IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2181 OF 2007

Shri Vitthal Sahakari Sakhar Karkhana ...Petitioner

Versus

Ramdas Goverdhan Chavan & Ors. ...Respondents

Shri R.V.Govilkar alongwith Sarang S. Aradhye for the Petitioner.
Shri A.S.Desai for the Respondent Nos.1 and 2.

CORAM : ABHAY S.OKA, J.
DATED : APRIL 25, 2007.

P.C.:

1. Heard Advocates appearing for the parties. By this Petition under Article 227 of the Constitution of India, the Petitioner which is a Co-operative Sugar Factory has taken exception to order dated 21st March, 2007 passed by the Additional Commissioner, Pune Division, Pune. An Application was made by the Petitioner C0-operative Sugar Factory. By the said Application, a prayer was made by the Petitioner seeking a direction to exhibit on record of the pending election dispute certified copies of summary (Goshwara). A prayer was also made for a direction to read the said documents in evidence. In the alternative, a direction was sought against the returning Officer to produce the original summary (goshwara).

2. The said Application was made by the Petitioner in an election dispute regarding election of the Board Directors of the Petitioner. In my view, the Petitioner Co-operative Sugar Factory was a formal party to the election dispute and therefore, the Application at the instance of the Petitioner could not have been entertained. Therefore, the learned Commissioner was right in rejecting the Application made by the Petitioner. While rejecting the application, certain obervations have been made by the Commissioner regarding certified copies issued by the Tahsildar. The Commissioner has observed that certain certified copies were issued on 23rd January, 2007 of some documents which were in custody of the Commissioner from 06th December, 2006. This aspect requires serious consideration and appropriate inquiry will have to be held as regard the certified copies issued by the Tahsildar. As the Application at the instance of the Petitioner could not have been entertained, only on this ground, it is not necessary to interfer with the impugned order. At this stage the learned Counsel appearing for the Petitioner states that he is not pressing the Petition on merits. Petition is rejected

as not pressed.

JUDGE